IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

WP(C).No. 5702 of 2007(D)

[CRIME NO.284/05 OF PEERUMEDU POLICE STATION]

PETITIONER:

BABURAJ, AGED 42 YEARS,
S/O.VELAYUDHAN, METHIPURATHOTTIYIL VEEDU,
EALAPPARA, P.O. IDUKKI.

BY ADV. SRI.SUJITH MATHEW JOSE
SMT.THUSHARA JAMES

RESPONDENTS:

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1. SUPERINTENDENT OF POLICE,
IDUKKI.

2. DY.SP., KATTAPANA,
IDUKKI.

3. C.I. OF POLICE,
PEERUMEDU, IDUKKI.

4. S.I. OF POLICE,
PEERUMEDU, IDUKKI.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC NO.5702 OF 2007

PETITIONER'S EXHIBITS:

EXT.P1:- PHOTOSTAT COPY OF THE FIR IN CRIME 284 OF 2005 OF PEERUMEDU POLICE STATION.

EXT.P2:- TRUE COPY OF THE PETITION DATED 2/11/2006 MADE BEFORE THE DY.SP.KATTAPPANA.

[TRUE COPY]

R.BASANT, J.

W.P.C.No.5702 of 2007

Dated this the 26th day of March 2007

JUDGMENT

The grievance of the petitioner is that no proper investigation is being conducted into crime No.284/2005 of the Peerumedu Police Station registered on 03/11/2005 for the offence punishable under Section 420 read with 34 I.P.C. The crux of his grievance is that a vehicle belonging to him was sold to the first accused. The sixth accused is the local vehicle broker. The petitioner was induced to sell the vehicle to the first accused who described himself to be one Biju S/o.Poulose, Thadathil Veedu, Chemmannar. It has now been realised that that was a fake name given by the purchaser. The purchaser did not stand by his commitments in the agreement for sale. The petitioner now finds himself in an unenviable predicament. The financiers are proceeding against him. He is not in possession of the vehicle. He is unable to trace accused 1 and 2. The police investigation has not succeeded in tracing the vehicle or the accused persons. Accused No.6 has applied for anticipatory bail. It was dismissed. It is the case of the police that accused No.6

has been questioned but no useful information about the identity of accused 1 and 2 has been obtained. The investigation is lying in limbo and nothing useful has come out in the investigation so far. In these circumstances, the petitioner has come to this court with the prayer that there may be a direction to entrust the investigation to more competent and efficient hands.

2. The learned Public Prosecutor submits that the police are making efforts and are not able to identify the person who had purchased the vehicle as per the sale agreement with the petitioner. Earnest efforts are being made, it is submitted.

3. The case diary has been placed before me for my perusal and I am certainly satisfied that sufficient, detailed and determined efforts have not been taken by the investigating officers. The plight of the petitioner is unfortunate. Certainly he is justified in expecting better and more efficient pursuit of the investigation in the crime. I am satisfied that appropriate directions can be issued in favour of the petitioner.

4. In the result, this writ petition is allowed. The investigation into the crime No.284/05 of the Peerumedu police station shall, hereafter, be conducted by the second respondent,

Deputy Superintendent of Police, Kattappana, Idukki under the direct supervision of the first respondent, Superintendent of Police, Idukki. Necessary orders to this effect shall be issued by the first respondent forthwith. The action taken shall be reported to this court within a period of one month under intimation to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006